

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOY MILLER,

Plaintiff,

v.

WILLAMET DENTAL, PROVIDENCE PARK
ORTHOPEDICS, ASPEN DENTAL, and
SPORTS MEDICINE ORTHOPEDICS,

Defendants.

Case No.: 3:23-cv-00217-AR

ORDER

Adrienne Nelson, District Judge

United States Magistrate Judge Jeff Armistead issued Findings and Recommendation in this case on April 5, 2023. Judge Armistead recommended that this Court dismiss plaintiff's amended complaint without leave to amend because plaintiff's complaint failed to state plausible claims for negligence or discrimination against any defendant and failed to establish the basis for this court's jurisdiction. Plaintiff filed an amended complaint in response to Judge Armistead's Order to Amend, but her amended complaint failed to address the aforementioned deficiencies. No party has filed objections.

A district court judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If any party files objections to a magistrate judge's proposed findings and recommendations, "the court shall make a de novo determination of those portions of the report." *Id.* If no objections are filed, then no standard of review applies. However, further review by the district court *sua sponte* is not prohibited. *Thomas v. Arn*, 474 U.S. 140, 154 (1985). The Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that unobjected to proposed findings and recommendations be reviewed for "clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

Because no party in this case has made objections, this Court reviews Judge Armistead's Findings and Recommendation for clear error on the face of the record. Finding no such error, the Court

ADOPTS Judge Armistead's Findings and Recommendation, ECF 6. The case is DISMISSED without prejudice and without leave to amend. Further, the Court finds that any appeal from this Order would not be taken in "good faith." 28 U.S.C. § 1915(a)(3) ("An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith."); *see Coppededge v. United States*, 369 U.S. 438, 445 (1962) (defining good faith as objective determination that party's issues are not frivolous). Therefore, plaintiff's *in forma pauperis* status should be revoked.

IT IS SO ORDERED.

DATED this 20 day of April, 2023.



Adrienne Nelson
United States District Judge